

105TH CONGRESS  
1ST SESSION

# H. R. 2438

To encourage the establishment of appropriate trails on abandoned railroad rights-of-way, while ensuring the protection of certain reversionary property rights.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 1997

Mr. RYUN (for himself, Mr. TIAHRT, Mr. SNOWBARGER, Mr. LARGENT, Mr. COBURN, Mr. POMBO, Mr. HUTCHINSON, Mr. METCALF, Mr. TALENT, Mr. SHIMKUS, Mr. HASTINGS of Washington, Mr. RADANOVICH, Mr. ROHRABACHER, Mr. DICKEY, Mr. THORNBERRY, Mr. YOUNG of Alaska, Mr. HANSEN, Mr. WATTS of Oklahoma, Mr. WATKINS, Mr. BOB SCHAFER of Colorado, Mrs. CUBIN, Mr. HOSTETTLER, and Mr. THUNE) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To encourage the establishment of appropriate trails on abandoned railroad rights-of-way, while ensuring the protection of certain reversionary property rights.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. AMENDMENTS.**

4 Section 8(d) of the National Trails System Act (16  
5 U.S.C. 1247(d)) is amended—

1           (1) by striking “Consistent with the purposes”  
2           and all that follows through “rights-of-way for rail-  
3           road purposes.”;

4           (2) by striking “for management of such” and  
5           all that follows through “transfer or use” and insert-  
6           ing in lieu thereof “, with respect to the portion of  
7           any railroad right-of-way donated, transferred,  
8           leased, or otherwise conveyed for use for establish-  
9           ment of such a trail, for management of the trail,  
10          for any legal liability arising out of the donation,  
11          transfer, lease, or other conveyance and use”;

12          (3) by striking “Board shall” and inserting in  
13          lieu thereof “Board may”;

14          (4) by inserting “, in furtherance of the na-  
15          tional policy to preserve established railroad rights-  
16          of-way for future reactivation of rail service,” after  
17          “for interim use”; and

18          (5) by striking “, and shall not permit” and all  
19          that follows through “of such use” and inserting in  
20          lieu thereof “. This subsection shall not preempt  
21          State law with respect to the establishment of, and  
22          rights incident to, an easement, right-of-way, or  
23          other property interest in land”.

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